THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.9429 OF 2002:

Dated 12th July, 2006.

Between

Revant Jaiswal ….Petitioner

And

NTR University of Health Sciences, rep. by its Registrar, Vijayawada and ors.

….Respondents.

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.9429 OF 2002:

ORDER:

The petitioner was admitted to M.B.B.S. course in the academic year 2001-2002 in the quota reserved for BC-B. At the time of admission to MBBS Course, order dated 5-9-2001 was passed by the respondent-University stating that the caste certificate produced by the petitioner showing him as belonging to BC-B requires further verification and hence, his case for admission to MBBS course under BC-B category can be considered only after his claim is investigated by the District collector concerned. Questioning the said order, the petitioner filed Writ Petition No.19641 of 2001 followed by Writ Appeal No.1591 of 2001. The Division Bench of this Court, by judgment dated 12-10-2001 passed in Writ Appeal No. 1591 of 2001 while observing that in view of the provision under Rule 19 of the Andhra Pradesh (SC,ST and BCs) Regulation of Issue of Community Certificates Rules,1997, framed under AP (SC,ST & BCs) Regulation of Issue of Community

Certificates Act, 1993, the petitioner is entitle to be provisionally admitted at least for a period of three months, pending enquiry, directed the District Collector to complete the enquiry within a period of six weeks from the date of the order and, further, permitted the petitioner to attend the classes. However, enquiry has not yet been completed and no further orders have been passed by the District Collector. At this stage, the second respondent has issued notice in proceedings No.DGMS/Acad/2002/893, dated 29-4-2002, which is under challenge in this Writ Petition, stating that the petitioner failed to produce caste certificate within three months, and, as such, he is not entitle to attend the classes. In the same notice, the Principal has instructed the Professor & Head of Departments of Biochemistry, Anatomy and Physiology not to count the attendance of the petitioner.

At the stage of admission, this Court by order dated 21-5-2002 permitted the petitioner to attend the classes.

Though Writ Petition is of the year 2002, no counter affidavit is filed. But, however, the learned Government Pleader appearing for the respondents submitted that enquiry is not yet completed and no further orders have been passed cancelling the caste certificate issued to the petitioner.

As per Rule 19 of the Rules referred above, when there is delay in completion of enquiry, the competent authority can address the Principal of the educational institution for grant of provisional admission. But, however, at the same time, it is obligatory on the part of the competent authority to complete the enquiry as expeditiously as possible. The said rule contemplates provisional

admission for a period of three months on the premise that the enquiry has to be completed within the stipulated period. In this case, though the Division Bench of this Court, by judgment dated 12-10-2001 directed for completion of enquiry in six weeks, but, it is submitted by the learned Government Pleader that enquiry is not completed and no further orders have been passed by the competent authority. In that view of the matter, as much as enquiry is not completed and no further orders have been passed by the competent authority, merely because provisional admission was granted initially for a period of three months, the petitioner cannot be prevented from attending the classes. In view of the fact that enquiry is not completed and no further orders have been passed, the caste certificate which was originally issued to the petitioner is still valid. In that view of the matter, Notice No.DCMS/Acad/2002/893, dated 29-4-2002 issued by the second respondent is set aside and the respondents are directed to allow the petitioner to complete the course and issue necessary certificates.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 12-07-2006.
Msnr.